

MINUTES OF SPECIAL MEETING  
SUGAR CITY COUNCIL  
FRIDAY, OCTOBER 8, 2021

Presiding: Mayor Steven Adams  
Meeting Via Internet and at City Hall Convened at 6:30 p.m.  
Prayer: Councilwoman Nielsen  
Pledge of Allegiance: Councilwoman Ball

Present at City Hall and Online: Mayor Steven Adams; Councilors Joy M. Ball, Glenn Dayley, Connie Fogle, and Catherine Nielsen; Clerk-Treasurer Wendy McLaughlin; City Attorney Chase Hendricks; Public Works Director Arlynn Jacobson; City Building Inspector and P&Z Administrator Quinton Owens; Planning & Zoning Chairman Dave Thompson; P&Z Commissioners Paul Jeppson and Sam Lines; Community Development Specialist Kurt Hibbert; Old Farm Estates Developer Brandt Monette; Citizens Tim and Bonnie Brosius, David Fluckiger, Kristin Galbraith, Matt Nott, and others who may have joined electronically but not identified..

**AMEND AGENDA:** It was moved by Councilwoman Ball and seconded by Councilwoman Fogle to move the Consent Agenda item to just before the break. Planning and Zoning Chairman Dave Thompson had not signed the Findings of Fact from their meeting last week and was not prepared to recommend the draft included in the Council packets. The mayor recommended that the Council recess to give Mr. Thompson time to review the Findings. Council President Nielsen asked that the swearing in be moved to take place while the council waits for the Findings to be reviewed and corrected. Items on the agenda may be moved either by motion or the chair's decision without objection.

**CONSENT AGENDA:**

**MOTION:** It was moved by Councilwoman Fogle and seconded by Councilwoman Nielsen to approve the Consent Agenda item for the 9-23-21 minutes; motion carried.

**DECISION REGARDING PLANNING AND ZONING (P&Z) FINDINGS FOR OLD FARM ESTATES (OFE) DEVELOPMENT AGREEMENT AND MASTER PLAN:** The Council discussed in detail the proposed Development Agreement and Master Plan with recommendations from Planning and Zoning (See Attachment #1). Recommended conditions are summarized below:

- Review and correct math
- Typos corrected

**MOTION:** It was moved by Councilwoman Nielsen and seconded by Councilwoman Fogle to accept the recommendation of the Planning and Zoning Commission except Condition #1 - to recheck the math; and approve the Development Agreement and Master Plan. Thereupon, the Clerk called roll upon the motion.

Those voting aye: Councilors Ball, Dayley, Fogle, and Nielsen  
Those voting nay: None

Motion carried.

**DECISION REGARDING P&Z FINDINGS OFE ZONE CHANGES:** The Council discussed the requested zone changes in detail. There was some confusion on P&Z recommendations and intent (See Attachment #2). Some Council concerns summarized below:

- Possible commercial island from future road change
- Deficiencies corrected

Recommended conditions summarized below:

Phase 9:

- Build one and two-story twin homes throughout development
- Review by Design Review
- Cap at 98 units

Phase 11:

- Deny zone change from C3 and M1 to R3
- Approve developer's plan without zone change
- Include commercial on ground floor with residential above

Phase 13:

- Deny zone change from R3 to C3
- Review zone change request if commercial plans are submitted

**MOTION:** It was moved by Councilman Dayley and seconded by Councilwoman Nielsen to accept the recommendation of the Planning and Zoning Commission and approve all zoning changes and recommendations on Phases 9, 11, and 13; motion carried.

**DECISION REGARDING P&Z FINDINGS OFE DIVISION NO. 4 PRELIMINARY PLAT:** The Council discussed in detail the requested preliminary plat and recommendations from Planning and Zoning (See Attachment #3). Recommended conditions are summarized below:

- Install required turning lanes on Railroad Avenue and 5<sup>th</sup> South
- Privatize Huckleberry Lane and block off southern end
- Conform with the Alternate Transportation Plan

**MOTION:** It was moved by Councilwoman Nielsen and seconded by Councilwoman Fogle to accept the recommendation of the Planning and Zoning Commission and to approve the preliminary plat; motion carried.

#### **GENERAL BUSINESS:**

**Swearing in of Bonnie Brosius:** The mayor gave the oath office to Bonnie Brosius and swore her in as Deputy Clerk-Treasurer to enable her to also serve Planning and Zoning in taking minutes and helping with the agenda.

#### **Mayoral Appointments:**

**MOTION:** It was moved by Councilwoman Nielsen and seconded by Councilwoman Fogle to approve mayor's appointments of Matthew Nott and David Fluckiger to the Planning and Zoning Commission and Suzanne Williams to the Tree and Beautification Committee; motion carried.

**Swearing in of Matthew Nott and David Fluckiger:** The mayor gave the oath of office to Matthew Nott and David Fluckiger to serve as commissioners on the Planning and Zoning.

Councilwoman Nielsen made a motion for adjournment. Meeting adjourned at 9:15 p.m.

Signed: \_\_\_\_\_  
Steve Adams, Mayor

Attested: \_\_\_\_\_  
Wendy McLaughlin, Clerk-Treasurer

**Before the City of Sugar City  
Planning and Zoning Commission**

In the Matter of an Application(s)	)	
	)	FINDINGS OF
OLD FARM ESTATES	)	FACT AND CONCLUSIONS
Development Agreement and Master Plan	)	OF LAW, (REASONING &
LERWILL DEVELOPMENT, LLC,	)	DECISION)
1190 Stocks Ave. Ste. 1	)	
Rexburg, Idaho 83440	)	
Applicant	)	

**RECOMMENDATION TO CITY COUNCIL REGARDING OLD FARM ESTATES  
DEVELOPMENT AGREEMENT AND MASTER PLAN REVISION**

**FINDINGS OF FACT**  
(Reasonings)

Synopsis: Developer is the owner in law or equity, of a certain tract of land in the City of Sugar City, Madison County, Idaho, which land (hereafter referred to as “the Development” or “Old Farm Estates”) is more particularly described in full by the proposed 2021 Development Agreement and the Old Farm Estates Master Plan and Master Zoning Map filed concurrently with this application. These and associated documents outline associated Phases and Zone Change Applications as drawn and further described in those documents, and which may at some future time be developed or are pertinent herein.

Prior to the date of these applications, litigation arose in 2017 from an Zone Change application filed by the Lerwills to change the zoning of the real property more specifically and commonly known as “Old Farm Estates No. 3,” to MU-1 and MU-2 zoning as recorded in the official records office of Madison County. As a result of this litigation a Settlement was agreed upon by the Developer and the City to approve the Zoning of Old Farm Estates No. 3 to MU-1 and MU-2 zoning. Since that time the City has approved several subdivisions and developments that have been platted within the Development. In order to provide a better plan for the entirety of the Development and in response to the agreed upon elements as a result the Settlement Agreement between the City and the Developer, the Development Agreement and Master Plan were required to be revised.

Zoning changes and relocation of platted areas are necessary to redevelop certain portions of the new Master Plan area which will allow for a centralized park as well as other public improvements. These Zone Changes and Plats are now before Planning and Zoning to comply with the Revised Development Agreement and Master Plan and to provide a better framework and commitment by the Parties.

1. LERWILL DEVELOPMENT, LLC, of 1190 Stocks Ave. Ste. 1, Rexburg, Idaho, 83440, in negotiation with City Officials submitted a revised Development Agreement and Master Plan for the entire Old Farm Estates located in the City of Sugar City, Idaho as described below in

conformance with Settlement Agreement; see those concurrently filed documents for general locations.

The Property is described as:

PARCEL 1:

BEGINNING AT A POINT THAT A S.00°11'44"E. 579.00 FEET FROM THE NORTH QUARTER CORNER OF SECTION 9, TOWNSHIP 6 NORTH, RANGE 40 EAST OF THE BOISE MERIDIAN AND RUNNING THENCE S.00°11'44"E. 947.83 FEET; THENCE S.89°47'52"W. 748.52 FEET; THENCE N.00°11'34"W. 824.90 FEET; THENCE N.89°47'52"E. 45.14 FEET; THEN N.00°11'34"W. 165.20 FEET; THENCE N.89°53'32"E. 653.97 FEET; THENCE S.00°06'04"E. 41.10 FEET; THENCE N.89°53'56"E. 49.45 FEET TO THE POINT OF BEGINNING CONTAINING 16.79 ACRES.

PARCEL 2:

COMMENCING AT THE NW CORNER OF SECTION 9, TOWNSHIP 6 NORTH, RANGE 40 E.B.M., MADISON COUNTY, IDAHO, AND RUNNING THENCE N. 89°50' E. ALONG THE SECTION LINE 852.5 FEET; THENCE SOUTH 314 FEET; THENCE N. 89°50' E. 208 FEET; THENCE SOUTH 2326 FEET; THENCE WEST 1060.5 FEET; THENCE NORTH ALONG THE SECTION LINE 2640 FEET TO THE POINT OF BEGINNING, EXCEPT RAILROAD RIGHT- OF-WAY AND STATE HIGHWAY ACROSS THE NORTHWEST CORNER.

PARCEL 3:

COMMENCING AT A POINT THAT IS 48.5 FEET WEST AND 538 FEET SOUTH OF THE NE CORNER OF THE NW1/4 OF SECTION 9, TOWNSHIP 6 NORTH, RANGE 40 E.B.M., MADISON COUNTY, IDAHO, AND RUNNING THENCE SOUTH 40 FEET; THENCE EAST 48.5 FEET; THENCE SOUTH 2062 FEET; THENCE WEST 1579.5 FEET; THENCE NORTH 2640 FEET; THENCE EAST 384.5 FEET; THENCE SOUTH 38 FEET TO THE FENCE LINE DEFINING THE COUNTY ROAD RIGHT-OF-WAY; THENCE SOUTH 500 FEET; THENCE EAST 315 FEET; THENCE NORTH 500 FEET TO THE FENCE LINE DEFINING THE COUNTY ROAD RIGHT-OF-WAY; THENCE NORTH 38 FEET; THENCE EAST 60 FEET; THENCE SOUTH 169 FEET; THENCE EAST 150 FEET; THENCE SOUTH 369 FEET; THENCE EAST 608 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM:

BEGINNING AT A POINT THAT IS S. 00°11'44" E. 579.00 FEET FROM THE N1/4 CORNER OF SECTION 9, TOWNSHIP 6 NORTH, RANGE 40 E.B.M., MADISON COUNTY, IDAHO, AND RUNNING THENCE S. 00°11'44" E. 907.93 FEET; THENCE S. 89°47'52" W. 748.52 FEET; THENCE N. 00°11'34" W. 780.00 FEET; THENCE N. 89°47'52" E. 45.14 FEET; THENCE N. 00°11'34" W. 170.17 FEET; THENCE N. 89°53'56" E. 653.97 FEET; THENCE S. 00°06'04" E. 41.00 FEET; THENCE N. 89°53'5" E. 49.45 FEET TO THE POINT OF BEGINNING.

PARCEL 4:

COMMENCING AT A POINT 852.5 FEET EAST OF THE NW CORNER OF SECTION 9, TOWNSHIP 6 NORTH, RANGE 40 E.B.M., MADISON COUNTY, IDAHO, AND RUNNING THENCE SOUTH 314 FEET; THENCE EAST 208 FEET; THENCE NORTH 314 FEET; THENCE WEST 208 FEET TO THE POINT OF BEGINNING.

PARCEL 5:

PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE1/4NW1/4) OF SECTION 9, TOWNSHIP 6 NORTH, RANGE 40 EAST OF THE BOISE MERIDIAN, MADISON COUNTY, IDAHO DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS N.89°54'00"E. 1440.05 FEET ALONG THE SECTION LINE FROM THE NORTHWEST CORNER OF SAID SECTION 9; THENCE N.89°54'00"E. 138.06 FEET ALONG SAID SECTION LINE; THENCE S.00°45'06"W. 220.00 FEET; THENCE N.89°54'00"E. 162.00 FEET; THENCE N.00°45'06"E. 220.00 FEET TO THE NORTH LINE OF SAID SECTION 9; THENCE N.89°54'00"E, 14.95 FEET ALONG SAID NORTH LINE; THENCE S.00°06'00"E. 538.00 FEET; THENCE S.89°54'00"W. 315.00 FEET; THENCE N.00°06'00"W. 538.00 FEET TO THE POINT OF BEGINNING.

2. Lerwill Development LLC is the record owner of the property not already built in the Applications for subsequent owners hereafter.

3. A public hearing on the application was held on August 25, 2021 at 6:00 p.m. at Sugar City Hall, the hearing was moved to Sugar High School Auditorium.

4. The application was deemed complete, and that all fees had been paid. All required notices regarding the hearing had been published, mailed and posted in a timely fashion as required by Sugar City Code and Idaho State law. The affidavit of publication and affidavit of mailing and posting were entered in the record and are included with this recommendation. Deputy Clerk for the City of Sugar City signed the affidavit of the above.

5. Brandt Monette introduced the Application(s). The revised Development Agreement and Master Plan and Zoning Maps are proposed in order to provide a better plan for the entirety of the Development and in response to the agreed upon elements as a result the Settlement Agreement between the City and the Developer, the Development Agreement and Master Plan were therefore required to be revised.

Zoning changes and relocation of platted areas are necessary to redevelop certain portions of the new Master Plan area which will allow for a centralized park as well as other public improvements. These Zone Changes and Plats are now before Planning and Zoning to comply with the Revised Development Agreement and Master Plan and to provide a better framework and commitment by the Parties.

The Fire Marshall gave approval for the Plan. Developer shall provide hydrants per 2018 IFC Appendix B & C. Based on the final plats, the road widths and turning radii look good.

The School Superintendent commented that "as a school official he takes a neutral stance on this issue generally. However it is important to Note that our older grades are full. Our younger classes, particularly K-6 are smaller in size. I believe that this is a housing issue, more than any other factor. There are no homes for young families in our District. This proposed development appears to me to address this issue directly and is pertinent and prudent to discuss. We have some increased capacity for new students, particularly in the younger grades, with our new school."

The City Engineer Dick Dyer explained that he didn't see any concerns with the Development Agreement and Master Plan and his comments were of record as submitted in written form for the hearing and are included herein:

- a. The proposed Master Plan for development follows the concept of trying to centralize and aggregate higher density for efficiency, and incorporates various land uses with appropriate locations and buffering. The location and configuration of the proposed city park is appropriate to the development and consistent with what was visualized and committed to from the outset. 5th South and Idaho Avenue will be able to go through to provide connectivity to potential adjacent development. Multimodal pathways and green/open space will be provided.
- b. Traffic generated under the new Master Plan is essentially the same as previously identified and thus the proposed mitigation of providing turning lanes at the Railroad Avenue/5th South intersection remains appropriate and valid.
- c. Equivalent population is higher than previously identified now that proposed development type has been identified for all remaining parcels. We will work with the developer and their engineer on development proposals for the various Phases to assure adequate utility service is provided.
- d. The zoning provides for centralization of higher density for efficiency in traffic movements and utility service.
- e. Appropriate buffering is being provided between differing adjacent zones and land uses.
- f. Recreational (park), open space, and pathway amenities are being provided.
- g. The proposed Development Agreement properly incorporates the details of the proposed Master Plan and outlines the necessary protocols for moving forward with the various development proposals.
- h. The Special Conditions in the Development Agreement assure proper mitigation of development impacts.

Quinton Owens, P&Z Administrator, said he had questions about the zoning calculations including roads. Historically roads were not included in zoning calculations.

6. An opportunity to give testimony was given for those in favor, neutral and opposed to the applications.

- The testimony of those in favor stated: As a result of the previous settlement agreement there exist certain entitlements that this development would revert to. These entitlements will not be a well-planned development but rather just be four-plexes and apartments which are not good for the residents, developers, or the public. This new plan has painfully tried to make this Development as well as could possibly be done.
- The neutral testimony stated: Generally, there was testimony that the new plan was substantially better than the previous entitlements and several comments said they were encouraged by what they had heard from the Developers but there were several things they

would have liked to see. There was concern for people that live along Phase 6 who don't live in the City and along Phase 1.

- Those in opposition stated: There was general concern about the impacts that would have on the City's infrastructure, water, sewer, and schools. There was general concern about having Phase 9 have so many twin homes when it was originally planned as single-family homes on bigger lots. General concerns about changing the small town feel and the line in the Comprehensive Plan won't be "predominantly single-family homes". General concerns were indicated that this will change the Settlement Agreement. There was a request that the City follow Title 8 of the code for the Developments. There were general concerns about Open Space in Phase 9. There were general concerns about classroom sizes. There were general concerns about keeping Sugar City a small town. Parks need to have more than just fields, including things for the small children.
- Response by Developer – The School Superintendent would be the proper individual to comment on the ability for the school to handle the growth by this Development. The schools do need to grow and the Superintendent says the schools can accommodate the demographic that will occur from this development directly. Clustering the apartments on the Western side will provide an important layer of density to areas that will have the least amount of impact for the other developments in the Master Plan. Tonight isn't about density, but rather which Plan will be taken, the old entitlements from the Settlement Agreement or this new better plan. The Open Space calculations are based on the ambiguity in the Code but have tried to make the Open Space usable, walkable, and connected. The alternative is to shove the Open Space into a corner of the individual developments and make it a "barracks" kind of development which does no one any good. The Developer will and already has paid for the infrastructure required for this development.

7. Deliberation: There were concerns expressed by the Commission about transition areas between zones. City Code 10-4-5. Commissioners questioned whether Open Space vs. density calculations should include roads. City Code 9-2-2 explicitly states that the roads are not included in the Open Space. However it was noted that for this Development, roads were not included to calculate Open Space. The Commission recommends fixing any typos in the Development Agreement before signing. The Commission worked through the agreement and tried to incorporate changes consistent with public input and Commission discussion. In discussion about when the Park should be built the Commission talked about using units built as opposed to phases built under the Original Development Agreement.

8. The Development Agreement complied with Sugar City Ordinance(s) Title 10-3-5; Idaho Code Title 50, Chapter 3; and Idaho Code §67-6511A.

9. The Applications were properly noticed according to Idaho Code 67-6509 and 67-6511A.

### **CONCLUSIONS OF LAW**

(Decision)

The Sugar City Planning and Zoning Commission concludes the revised Development Agreement and Master Plan and Zoning Map Applications meet Sugar City Ordinance(s) Title 10-3-5; Idaho Code Title 50, Chapter 13; and Idaho Code §67-6511A.

Conditions:

1. The math be double checked and corrected in the Development Agreement and Plan.
2. Small typos shall be corrected via City Attorney and minor changes for small syntax corrections before signing.

#### PLANNING AND ZONING COMMISSION RECOMMENDATIONS

Including all of the above, the Sugar City Planning and Zoning Commission recommend that the City Council approve the revised Development Agreement and Master Plan. It is also noted that the Comprehensive Plan, the Land Use Schedule, public entity comment, public testimony and comments and expert testimony and comments were considered in the decision.

Signed and Dated this \_\_\_\_ day of September, 2021.

By: \_\_\_\_\_  
Chairman, Planning and Zoning  
Commission

Attest:

\_\_\_\_\_  
City Deputy Clerk

**Before the City of Sugar City  
Planning and Zoning Commission**

<p>_____ )</p> <p><b>In the Matter of</b> an Application for a Zone Change )</p> <p>OLD FARM ESTATES )</p> <p>Zone Change Applications )</p> <p>LERWILL DEVELOPMENT, LLC, )</p> <p>1190 Stocks Ave. Ste. 1, )</p> <p>Rexburg, Idaho 83440 )</p> <p style="text-align: right;">Applicant )</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>FINDINGS OF</p> <p>FACT AND CONCLUSIONS</p> <p>OF LAW, (REASONING &amp;</p> <p>DECISION)</p>
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**ZONE CHANGES IN OLD FARM ESTATES CONSISTENT WITH THE DEVELOPMENT  
AGREEMENT AND MASTER PLAN REVISION FOR OLD FARM ESTATES.**

**FINDINGS OF FACT**  
(Reasonings)

Synopsis: Developer is the owner in law or equity, of a certain tract of land in the City of Sugar City, Madison County, Idaho, which land (hereafter referred to as “the Development” or “Old Farm Estates”) is more particularly described in full by the proposed 2021 Development Agreement and the Old Farm Estates Master Plan and Master Zoning Map filed concurrently with these applications. These and associated documents outline associated Phases and Zone Change Applications as drawn and further described in those documents, and which may at some future time be developed or are pertinent herein.

Prior to the date of these applications, litigation arose in 2017 from an Zone Change application filed by the Lerwills to change the zoning of the real property more specifically and commonly known as “Old Farm Estates No. 3,” to MU-1 and MU-2 zoning as recorded in the official records office of Madison County. As a result of this litigation a Settlement was agreed upon by the Developer and the City to approve the Zoning of Old Farm Estates No. 3 to MU-1 and MU-2 zoning. Since that time the City has approved several subdivisions and developments that have been platted within the Development. In order to provide a better plan for the entirety of the Development and in response to the agreed upon elements as a result the Settlement Agreement between the City and the Developer, the Development Agreement and Master Plan were required to be revised.

Zoning changes and relocation of platted areas are necessary to redevelop certain portions of the new Master Plan area which will allow for a centralized park as well as other public improvements. These Zone Changes and Plats are now before Planning and Zoning to comply with the Revised Development Agreement and Master Plan and to provide a better framework and commitment by the Parties.

THE FOLLOWING ZONE CHANGES WERE PROPOSED WITH EXPLANATIONS IN THE REVISED DEVELOPMENT AGREEMENT, MASTER PLAN, AND AS IDENTIFIED BY THE REZONE MAP.

PHASE (5) LEGAL DESCRIPTION  
FOR  
DOWNZONE FROM MU 1 TO R3

A PARCEL OF LAND BEING SITUATED IN THE NORTHWEST 1/4 OF SECTION 9 TOWNSHIP 6 NORTH, RANGE 40 EAST OF THE BOISE MERIDIAN AND FOR WHICH IS MORE SPECIFICALLY DESCRIBED AS FOLLOWS.

BEGINNING AT A POINT THAT IS N.00°11'21"E. ALONG THE WEST SECTION LINE 1640.44 FEET AND N.89°48'57"E. 240.99 FEET AND S.59°51'42"E. 110.00 FEET FROM THE WEST QUARTER CORNER SECTION 9, TOWNSHIP 6 NORTH, RANGE 40 EAST OF THE BOISE MERIDIAN; POINT OF BEGINNING ALSO BEING A POINT OF CURVE ON NORTH RIGHT OF WAY LINE OF W 5<sup>TH</sup>. S STREET WITH A RADIUS OF 25.00 FEET AND A CHORD BEARING N.15°04'51"W. 35.22 FEET; THENCE TO THE RIGHT ALONG SAID CURVE 39.08 FEET THROUGH A CENTRAL ANGLE OF 89°33'43"; THENCE N.29°42'01"W. 442.03 FEET TO A POINT OF A CURVE WITH A RADIUS OF 50.00 FEET AND A CHORD BEARING N.59°42'58"E. 50.02 FEET; THENCE TO THE RIGHT ALONG SAID CURVE 52.369 FEET THROUGH A CENTRAL ANGLE OF 60°01'56"; THENCE N.89°53'32"E. 412.81 FEET; THENCE S.00°11'34"E. 781.63 FEET TO THE NORTH RIGHT OF WAY LINE OF W 5<sup>TH</sup> S; THENCE ALONG SAID RIGHT OF WAY S.89°48'12"W. 18.66 FEET TO A POINT OF A CURVE WITH A RADIUS OF 603.00 AND A CHORD THAT BEARS N.75°01'55"W. 315.59 FEET; THENCE TO THE RIGHT ALONG SAID CURVE 319.31 FEET THROUGH A CENTRAL ANGLE OF 30°20'25"; THENCE N.59°51'42"W. 396.67 FEET TO THE POINT OF BEGINNING.

CONTAINING 8.416 ACRES

SUBJECT TO: EXISTING COUNTY ROAD RIGHT-OF-WAYS AND EASEMENTS OF RECORD.

Old Farm Phase No. 5 consists of 84 townhome units being zoned R3 with a density of 8.87 units/acre. The city ordinance requires 10 percent Open Space for this Phase. The developer will provide a minimum of 25% Open Space. This Plat is hereby approved in concept and shall be sent to Public Hearing before the Planning and Zoning Commission on the next available meeting date for development of Findings of Fact and Conclusions of Law as well as a Recommendation to the City Council for approval upon meeting the ordinance requirements and as granted herein.

PHASE (6) LEGAL DESCRIPTION  
FOR  
TETON HEIGHTS REZONE FROM R3/MU2 TO MU2

A PARCEL OF LAND BEING SITUATED IN THE NORTHWEST 1/4 OF SECTION 9 TOWNSHIP 6 NORTH, RANGE 40 EAST OF THE BOISE MERIDIAN AND FOR WHICH IS MORE SPECIFICALLY DESCRIBED AS FOLLOWS.

BEGINNING AT A POINT THAT IS N.89°25'14"E. 34.00 FEET TO THE EAST RIGHT OF WAY LINE OF S 7<sup>TH</sup> W AVENUE AND N.00°11'21"E. 578.51 FEET ALONG THE SAID EAST RIGHT OF WAY LINE FROM THE WEST QUARTER CORNER SECTION 9, TOWNSHIP 6 NORTH, RANGE 40 EAST OF THE BOISE MERIDIAN; RUNNING THENCE N.00°11'21"W. 445.72 FEET TO A POINT OF A CURVE WITH A RADIUS OF 312.00 FEET AND A CHORD BEARING N.14°58'28"E. 163.22 FEET; THENCE TO THE RIGHT ALONG SAID CURVE 165.15 FEET THROUGH A CENTRAL ANGLE OF 30°19'39"; THENCE N.30°08'18"E. 365.70 FEET TO A POINT OF A CURVE WITH A RADIUS OF 25.00 FEET AND A CHORD BEARING N.75°08'18"E. 35.36 FEET; THENCE TO THE RIGHT ALONG SAID CURVE 39.27 FEET THROUGH A CENTRAL ANGLE OF 90°00'00"; THENCE S.59°51'42"E. 416.97 FEET TO A POINT OF A CURVE WITH A RADIUS OF 541.00 FEET AND A CHORD BEARING S.70°49'59"E. 205.92 FEET; THENCE TO THE LEFT ALONG SAID CURVE 286.47 FEET THROUGH A CENTRAL ANGLE OF 21°56'32"; THENCE S.00°11'34"E. 650.18 FEET; THENCE S.00°11'34"E. 815.79 FEET TO THE POINT OF BEGINNING.

CONTAINING 14.320 ACRES

SUBJECT TO: EXISTING COUNTY ROAD RIGHT-OF-WAYS AND EASEMENTS OF RECORD.

Old Farm Phase No. 6 consists of 338 apartment Units being zoned MU2 with a density of 21.4 units/acre. The city ordinance requires 20 percent Open Space for this Phase. The developer will provide a minimum of 35% Open Space, contingent on a revised parking requirement of 1.91 parking stalls per unit, with a Special Use Permit reduction of 0.09 parking stalls per unit. An original CUP was granted for a retired plat for "Teton Heights, A Portion of Division 3," which was previously recorded and will be retired on approval. The previously approved CUP shall be applied to the new "Old Farm Estates Phase No. 6 (Teton Heights)" as represented here. An application for a Special Use Permit may be requested for a lower number of parking stalls on the single bedroom units only. Applications will be submitted simultaneously with this agreement.

PHASE (7) LEGAL DESCRIPTION  
FOR  
DOWNZONE FROM MU2 TO R3

A PARCEL OF LAND BEING SITUATED IN THE NORTHWEST 1/4 OF SECTION 9 TOWNSHIP 6 NORTH, RANGE 40 EAST OF THE BOISE MERIDIAN AND FOR WHICH IS MORE SPECIFICALLY DESCRIBED AS FOLLOWS.

BEGINNING AT A POINT THAT IS N.00°11'21"E. ALONG THE WEST SECTION LINE 578.79 FEET AND S.89°53'16"W. 849.79 FEET FROM THE WEST QUARTER CORNER SECTION 9, TOWNSHIP 6 NORTH, RANGE 40 EAST OF THE BOISE MERIDIAN; RUNNING THENCE N.00°11'34"W. 650.18 FEET TO THE SOUTH RIGHT OF WAY LINE OF W 5<sup>TH</sup> WHICH IS ALSO A POINT ON A CURVE WITH A RADIUS OF 541.00 FEET AND A CHORD BEARING S.86°07'37"E. 79.22 FEET;

THENCE TO THE LEFT ALONG SAID CURVE 286.47 FEET THROUGH A CENTRAL ANGLE OF 8°23'50"; THENCE ALONG SAID RIGHT OF WAY N.30°08'18"E. 365.13; THENCE S.00°11'41"E. 655.03 FEET TO A POINT ON A CURVE WITH A RADIUS OF 696.00 FEET AND A CHORD BEARING N.85°15'37"W. 117.77 FEET; THENCE TO THE LEFT ALONG SAID CURVE 117.91 FEET THROUGH A CENTRAL ANGLE OF 09°42'54"; THENCE S.89°53'16"W. 326.82 FEET TO THE POINT OF BEGINNING.

CONTAINING 6.587 ACRES

SUBJECT TO: EXISTING COUNTY ROAD RIGHT-OF-WAYS AND EASEMENTS OF RECORD.

PHASE (8) LEGAL DESCRIPTION  
FOR  
DOWNZONE FROM R3 TO O (PARK)

A PARCEL OF LAND BEING SITUATED IN THE NORTHWEST 1/4 OF SECTION 9 TOWNSHIP 6 NORTH, RANGE 40 EAST OF THE BOISE MERIDIAN AND FOR WHICH IS MORE SPECIFICALLY DESCRIBED AS FOLLOWS.

BEGINNING AT A POINT THAT IS N.89°25'14"E. ALONG THE EAST-WEST CENTER SECTION LINE 1297.83 FEET AND N.00°34'46"W. 558.27 FEET FROM THE WEST QUARTER CORNER SECTION 9, TOWNSHIP 6 NORTH, RANGE 40 EAST OF THE BOISE MERIDIAN; RUNNING THENCE N.00°11'41"W. 655.03 FEET TO THE SOUTH RIGHT OF WAY LINE OF W 5<sup>TH</sup>; THENCE ALONG SAID RIGHT OF WAY S.89°47'55"W. 398.68 FEET TO A POINT OF A CURVE WITH A RADIUS OF 25.00 FEET AND A CHORD BEARING S.45°09'30"E. 35.33 FEET; THENCE TO THE RIGHT ALONG SAID CURVE 39.27 FEET THROUGH A CENTRAL ANGLE OF 89°54'54"; THENCE S.00°11'34"E. 676.75 FEET; THENCE S.89°53'16"W. 148.52 FEET TO A POINT OF A CURVE WITH A RADIUS OF 704.00 FEET AND A CHORD BEARING N.81°59'55"W. 199.59 FEET; THENCE TO THE RIGHT ALONG SAID CURVE 200.27 FEET THROUGH A CENTRAL ANGLE OF 16°17'57" TO A POINT OF A REVERSE CURVE WITH A RADIUS OF 696.00 FEET AND A CHORD THAT BEARS N.77°07'41"W. 79.62 FEET; THENCE TO THE LEFT ALONG SAID CURVE 79.66 FEET THROUGH A CENTRAL ANGLE OF 6°33'28" TO THE POINT OF BEGINNING.

CONTAINING 6.709 ACRES

SUBJECT TO: EXISTING COUNTY ROAD RIGHT-OF-WAYS AND EASEMENTS OF RECORD

Old Farm Estates Phase No. 8 consists of 6.36 acres of public park. This Plat is hereby approved in concept and shall be sent to Public Hearing before the Planning and Zoning Commission on the next available meeting date for development of Findings of Fact and Conclusions of Law as well as a Recommendation to the City Council for approval upon meeting the ordinance requirements and as granted herein. It is agreed by the Parties that the Park shall be built, with the Developer paying all construction and material costs, including but not limited to all landscaping, irrigation, parking and facilities. The completed Park shall

be deeded to the City no later than after 853 Units have been built within the total of the Development including the currently built units. To ensure this, the Developer shall grant the City a Conservation Easement at the time of this Development Agreement's signing. Upon completion, the Developer shall deed the Park to the City and the City shall take over all maintenance and costs to the Park. The City shall each year pay the Developer, the Developers costs for the water assessments required to adequately water the park. The City recognizes that the Park could be zoned as MU2 and agrees to recognize that value to the Developer and classified as a Gift, for tax purposes, pursuant to this Agreement. The name of the planned park shall hereafter be "Lerwill Park".

PHASE (9) LEGAL DESCRIPTION  
FOR  
TWINHOMES UPZONE FROM R1 TO R2

A PARCEL OF LAND BEING SITUATED IN THE NORTHWEST 1/4 OF SECTION 9 TOWNSHIP 6 NORTH, RANGE 40 EAST OF THE BOISE MERIDIAN, MADISON COUNTY, IDAHO AND FOR WHICH IS MORE SPECIFICALLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE CENTER SECTION CORNER OF SECTION 9, TOWNSHIP 6 NORTH, RANGE 40 EAST OF THE BOISE MERIDIAN AND RUNNING THENCE S.89°25'14"W. ALONG THE EAST-WEST CENTER SECTION LINE 917.60 FEET; THENCE N.00°11'34"W. 1185.52 FEET TO THE SOUTH RIGHT OF WAY LINE OF W 5<sup>TH</sup>S WHICH IS ALSO A POINT OF A CURVE WITH A RADIUS OF 25.00 FEET AND A CHORD BEARING N.45°09'30"W. 35.33 FEET; THENCE TO THE LEFT ALONG SAID CURVE 39.27 FEET THROUGH A CENTRAL ANGLE OF 89°54'54"; THENCE ALONG SAID W 5<sup>TH</sup>. S.89°47'55"W. 193.95 FEET; THENCE S.00°11'27"E. 129.99 FEET TO THE SOUTH BOUNDARY LINE OF OLD FARM ESTATES DIVISION NO. 1; THENCE ALONG SAID SOUTH LINE N.89°47'52"E. 748.56 FEET TO THE NORTH – SOUTH CENTER SECTION LINE; THENCE ALONG SAID CENTER SECTION LINE S.00°11'44"E. 1074.49 FEET TO THE POINT OF BEGINNING.

CONTAINING 23.204 ACRES

SUBJECT TO: EXISTING COUNTY ROAD RIGHT-OF-WAYS AND EASEMENTS OF RECORD.

Old Farm Estates Phase No. 9 consists of 98 twin home units zoned R2 with a density of 4.18 units/acre. The city ordinance requires 20 percent Open Space for this Phase. The Phase has 38% Open Space with Private Roads. This Plat is hereby approved in concept and shall be sent to Public Hearing before the Planning and Zoning Commission on the next available meeting date for development of Findings of Fact and Conclusions of Law as well as a Recommendation to the City Council for approval upon meeting the ordinance requirements and as granted herein. City will work with developer on the size of lot to ensure a common wall style homes can be constructed on these 98 lots. A conditional use/Planned Unit Development may be utilized for this approval as to provide this necessary affordable housing for the area.

PHASE (11) LEGAL DESCRIPTION

FOR  
DOWNZONE FROM C3 TO R3

A PARCEL OF LAND BEING SITUATED IN THE NORTHWEST 1/4 OF SECTION 9 TOWNSHIP 6 NORTH, RANGE 40 EAST OF THE BOISE MERIDIAN AND FOR WHICH IS MORE SPECIFICALLY DESCRIBED AS FOLLOWS.

BEGINNING AT A POINT THAT IS N.00°11'21"E. ALONG THE WEST SECTION LINE 2121.30 FEET AND N.89°48'57"E. 301.58 FEET FROM THE WEST QUARTER CORNER SECTION 9, TOWNSHIP 6 NORTH, RANGE 40 EAST OF THE BOISE MERIDIAN; POINT OF BEGINNING ALSO BEING ON THE EAST RIGHT OF WAY LINE OF S. RAILROAD AVENUE; THENCE ALONG SAID RIGHT OF WAY N.30°08'18"E. 233.19 FEET TO A POINT OF A CURVE WITH A RADIUS OF 540.00 FEET AND A CHORD BEARING N .50°43'52"E. 379.86 FEET; THENCE TO THE RIGHT ALONG SAID CURVE 388.17 FEET THROUGH A CENTRAL ANGLE OF 41°11'09" TO A POINT OF A NON-TANGENT CURVE ON SOUTH RIGHT OF FRONT STREET WITH A RADIUS OF 1976.58 FEET AND A CHORD BEARING N.72°49'09"E. 103.15 FEET; THENCE TO THE RIGHT ALONG SAID CURVE 103.16 FEET THROUGH A CENTRAL ANGLE OF 02°59'26"; THENCE N.89°54'01"E. 305.62 FEET; THENCE S.00°11'34"E. 508.16 TO THE NORTH RIGHT OF WAY LINE OF W 4<sup>TH</sup> S; THENCE ALONG SAID RIGHT OF WAY S.89°53'32"W. 117.00 FEET; THENCE S.00°11'34"E. 60.00 FEET; S.89°53'32"W. 412.67 FEET TO A POINT OF A CURVE WITH A RADIUS OF 50.00 FEET AND A CHORD BEARING S .59°47'46"W. 50.15 FEET; THENCE TO THE LEFT ALONG SAID CURVE 52.53 FEET THROUGH A CENTRAL ANGLE OF 60°11'31"; THENCE S.29°42'01"W. 15.67 FEET; THENCE N.60°17'59"W. 272.25 FEET TO THE POINT OF BEGINNING.

CONTAINING 8.500 ACRES

SUBJECT TO: EXISTING COUNTY ROAD RIGHT-OF-WAYS AND EASEMENTS OF RECORD

Old Farm Estates Phase No. 11 consists of 8.5 acres with 144 townhome/condo units being zoned R3 with a density of 16.94 units/acre, via a PUD with Private Roads. The city ordinance requires 20 percent Open Space for this Phase. The developer will provide a minimum of 25 percent Open Space. This Plat is hereby approved in concept and shall be sent to Public Hearing before the Planning and Zoning Commission on the next available meeting date for development of Findings of Fact and Conclusions of Law as well as a Recommendation to the City Council for approval upon meeting the ordinance requirements and as granted herein.

PHASE (12) LEGAL DESCRIPTION  
FOR  
REZONE C3 TO C3 (ROADWAY NOT ZONED C3)

A PARCEL OF LAND BEING SITUATED IN THE NORTHWEST 1/4 OF SECTION 9 TOWNSHIP 6 NORTH, RANGE 40 EAST OF THE BOISE MERIDIAN AND FOR WHICH IS MORE SPECIFICALLY DESCRIBED AS FOLLOWS.

BEGINNING AT A POINT THAT IS N.00°11'21"E. ALONG THE WEST SECTION LINE 1640.44 FEET AND N.89°48'57"E. 240.99 FEET AND S.59°51'42"E. 110.00 FEET FROM THE WEST QUARTER CORNER SECTION 9, TOWNSHIP 6 NORTH, RANGE 40 EAST OF THE BOISE MERIDIAN; POINT OF BEGINNING ALSO BEING A POINT OF CURVE ON NORTH RIGHT OF WAY LINE OF W 5<sup>TH</sup>. S STREET WITH A RADIUS OF 25.00 FEET AND A CHORD BEARING N.15°04'51"W. 35.22 FEET; THENCE TO THE RIGHT ALONG SAID CURVE 39.08 FEET THROUGH A CENTRAL ANGLE OF 89°33'43"; THENCE N.29°42'01"W. 422.96 FEET; THENCE N.60°17'59"W. 272.25 TO THE EAST RIGHT OF WAY LINE OF S. RAILROAD AVENUE; THENCE ALONG SAID RIGHT OF WAY S.30°08'18"W. 420.67 FEET TO A POINT OF A CURVE WITH A RADIUS OF 25.00.00 FEET AND A CHORD BEARING S .14°51'42"E. 35.36 FEET; THENCE TO THE LEFT ALONG SAID CURVE 39.27 FEET THROUGH A CENTRAL ANGLE OF 90°00'00" TO THE NORTH RIGHT OF WAY LINE OF W 5<sup>TH</sup> S; THENCE ALONG SAID RIGHT OF WAY S.59°51'42"E. 275.47 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.809 ACRES

SUBJECT TO: EXISTING COUNTY ROAD RIGHT-OF-WAYS AND EASEMENT OF RECORD.

Old Farm Estates Phase No. 12 consists of 2.81 acres being zoned C3. The developer will proceed through standard processes and procedures for future final plat approval per the current city ordinances. This Plat is hereby approved in concept and shall be sent to Public Hearing before the Planning and Zoning Commission in a future available meeting date for development of Findings of Fact and Conclusions of Law as well as a Recommendation to the City Council for approval upon meeting the ordinance requirements and as granted herein.

PHASE (13) LEGAL DESCRIPTION  
FOR  
UPZONE FROM R3 TO C3

A PARCEL OF LAND BEING SITUATED IN THE NORTHWEST 1/4 OF SECTION 9 TOWNSHIP 6 NORTH, RANGE 40 EAST OF THE BOISE MERIDIAN AND FOR WHICH IS MORE SPECIFICALLY DESCRIBED AS FOLLOWS.

BEGINNING AT A POINT THAT IS N.00°11'21"E. ALONG THE WEST SECTION LINE 1181.81 FEET FROM THE WEST QUARTER CORNER SECTION 9, TOWNSHIP 6 NORTH, RANGE 40 EAST OF THE BOISE MERIDIAN; RUNNING THENCE ALONG SAID WEST SECTION LINE N.00°11'21"E. 401.39 FEET TO THE SOUTH RIGHT OF WAY OF RAILROAD AVENUE; THENCE N.24°53'59"E. 56.30 FEET TO A POINT OF CURVE OF WITH A RADIUS OF 25.00 FEET AND A CHORD BEARING N.72°31'08"E. 36.93 FEET; THENCE TO THE RIGHT ALONG SAID CURVE 41.56 FEET THROUGH A CENTRAL ANGLE OF 95°14'19" TO THE SOUTH RIGHT OF WAY LINE OF W 5<sup>TH</sup> S; THENCE ALONG SAID SOUTH RIGHT OF WAY S.59°51'42"E. 155.90 FEET TO A POINT OF A CURVE WITH A RADIUS OF 25.00 FEET AND A CHORD BEARING S .14°51'42"E. 35.36 FEET; THENCE TO THE RIGHT ALONG SAID CURVE 39.27 FEET THROUGH A

CENTRAL ANGLE OF 90°00'00" TO THE WEST RIGHT OF WAY LINE OF S 7<sup>TH</sup>W; THENCE ALONG SAID RIGHT OF WAY S.30°08'18"W. 365.70 FEET TO A POINT OF A CURVE WITH A RADIUS OF 380.00 FEET AND A CHORD THAT BEARS S.27°12'15"W. 38.90; THENCE TO THE LEFT ALONG SAID CURVE 39.92 FEET THROUGH A CENTRAL ANGLE OF 05°52'04" TO THE POINT OF BEGINNING.

CONTAINING 1.174 ACRES

SUBJECT TO: EXISTING COUNTY ROAD RIGHT-OF-WAYS AND EASEMENTS OF RECORD.

Old Farm Estates Phase No. 13 consists of 1.17 acres being zoned C3. The developer will proceed through standard processes and procedures for future final plat approval per the current city ordinances. This Plat is hereby approved in concept and shall be sent to Public Hearing before the Planning and Zoning Commission in a future available meeting date for development of Findings of Fact and Conclusions of Law as well as a Recommendation to the City Council for approval upon meeting the ordinance requirements and as granted herein.

2. LERWILL DEVELOPMENT, LLC is the record owner of the properties applied for in the Zone Change applications.

3. A public hearing on the application was held on August 25, 2021 at 6:00 pm at Sugar City Hall, because of the amount of people the hearing was moved to the Sugar City High School.

4. The application was deemed complete and all fees had been paid. All required notices regarding the hearing had been published, mailed and posted in a timely fashion as required by Sugar City Code and Idaho State law. The affidavit of publication and affidavit of mailing and posting were entered in the record and are included with this recommendation.

5. Brandt Monette introduced the Zone Change request. A Master Plan and Master Zoning Map have been submitted that outline the overall development of Old Farm Estates, specifying dedicated Parks and Recreation Centers, Transportation, Services, and Development Plans in 16 Phases. In addition, a Revised Development Agreement has been negotiated to ensure compliance with those objectives. This layout of the Development will provide a better layout of the Development than is currently entitled, or has ever been planned.

Zoning changes and relocation of platted areas are necessary to redevelop certain portions of the new Master Plan area which will allow for a centralized park as well as other public improvements. These Zone Changes and Plats are now before Planning and Zoning to comply with the Revised Development Agreement and Master Plan and to provide a better framework and commitment by the Parties.

The Fire Marshall gave approval for the Plan. Developer shall provide hydrants per 2018 IFC Appendix B & C. Based on the final plats, the road widths and turning radius look good.

The School Superintendent commented that "as a school official he takes a neutral stance on this issue generally. However it is important to Note that our older grades are full. Our younger classes, particularly K-6 are smaller in size. I believe that this is a housing issue,

more than any other factor. There are no homes for young families in our District. This proposed development appears to me to address this issue directly and is pertinent and prudent to discuss. We have some increased capacity for new students, particularly in the younger grades, with our new school.”

The City Engineer Dick Dyer explained that he didn’t see any concerns with the Development Agreement and Master Plan and his comments were of record as submitted in written form for the hearing.

a. The proposed Master Plan for development follows the concept of trying to centralize and aggregate higher density for efficiency, and incorporates various land uses with appropriate locations and buffering. The location and configuration of the proposed city park is appropriate to the development and consistent with what was visualized and committed to from the outset. 5th South and Idaho Avenue will be able to go through to provide connectivity to potential adjacent development. Multimodal pathways and green/Open Space will be provided.

b. Traffic generated under the new Master Plan is essentially the same as previously identified and thus the proposed mitigation of providing turning lanes at the Railroad Avenue/5th South intersection remains appropriate and valid.

c. Equivalent population is higher than previously identified now that proposed development type has been identified for all remaining parcels. We will work with the developer and their engineer on development proposals for the various Phases to assure adequate utility service is provided.

d. The zoning provides for centralization of higher density for efficiency in traffic movements and utility service.

e. Appropriate buffering is being provided between differing adjacent zones and land uses.

f. Recreational (park), Open Space, and pathway amenities are being provided.

g. The proposed Development Agreement properly incorporates the details of the proposed Master Plan and outlines the necessary protocols for moving forward with the various development proposals.

h. The Special Conditions in the Development Agreement assure proper mitigation of development impacts.

Quinton Owens, P&Z Administrator, said he had questions about the zoning calculations including roads. Historically roads were not included in zoning calculations.

6. An opportunity to give testimony was given for those in favor, neutral and opposed to the applications.

- The testimony of those in favor stated: As a result of the previous settlement agreement there exist certain entitlements that this development would revert to. These entitlements will not be a well-planned development but rather just be four-plexes and apartments which

are not good for the residents, developers, or the public. This new plan has been painfully tried to make this Development as well as could possibly be done.

- The neutral testimony stated: Generally, there was testimony that the new plan was substantially better than the previous entitlements and several comments said they were encouraged by what they had heard from the Developers but there were several things they would have liked to see. There was concern for people that live along Phase 6 who don't live in the City and along Phase 1.
- Those in opposition stated: There was general concern about the impacts that would have on the City's infrastructure, water, sewer, and schools. There was general concern about having Phase 9 have so many twin homes when it was originally planned as single-family homes on bigger lots. General concerns about changing the small town feel and the line in the Comprehensive Plan won't be "predominantly single-family homes". General concerns were indicated that this will change the Settlement Agreement. There was a request that the City follow Title 8 of the code for the Developments. There were general concerns about Open Space in Phase 9. There were general concerns about classroom sizes. There were general concerns about keeping Sugar City a small town. Parks need to have more than just fields, including things for the small children.
- Response by Developer – The School Superintendent would be the proper individual to comment on the ability for the school to handle the growth by this Development. The schools do need to grow and the Superintendent says the schools can accommodate the demographic that will occur from this development directly. Clustering the apartments on the western side will provide an important layer of density to areas that will have the least amount of impact for the other developments in the Master Plan. Tonight isn't about density, but rather which Plan will be taken. The proposed Plan tonight or the plan that is entitled. The Open Space calculations are based on the ambiguity in the code but have tried to make the Open Space usable, walkable, and connected. The alternative is to shove the Open Space into a corner of the individual developments and make it a "barracks" kind of development which does no one any good. The Developer will and already has paid for the infrastructure required for this development.

7. Deliberation: There were concerns about single family homes and the Comprehensive Plan but these matters have been discussed at length and Commission determined that single family homes is vague in as defined in City Code. There were concerns expressed about the setbacks and lot lines in Phase 9. There were concerns about Covenants in Phase 9 but it was discussed the twin homes will have the same Covenants as was required on the single-family homes directly to the north that have been built in Phase 1. It was discussed that the twin homes are allowed in a R2 zone. It was noted that they could have put these twin homes in by Special Use Permit rather than a zone change. There were concerns what the buffering in this zone was going to be. People who bought properties in R1 thought this area would be also R1, so additional buffering may be appropriate in those areas. There were concerns expressed by the Commission about transition areas between zones in City Code 10-4-5. Commissioners also questioned whether Open Space vs. density calculations should be able to include roads to determine the appropriate acreages. City Code 9-2-2 explicitly states that the roads are not included in the Open Space. *See* 10-4-7(1). For this Development roads were not included to calculate Open Space. The Commission recommends fixing any typos in the Development Agreement before signing. In discussion about when the Park should be built the Commission talked about using units built as opposed to Phases under the Original Development Agreement which is encapsulated in the proposed draft Development Agreement currently under review. Concerning individual zone changes the following concerns were expressed;

- Phase 5: A downzone from MU1 to R3. Reducing this would change the commercial requirement in that area and it would also reduce the Open Space Requirements. Considering the Park, the Open Space there would mitigate the reduction of Open Space Requirements in this Phase. In addition, a Special Use Permit would not be required. Tyler Hoopes made the Motion to Recommend to Approve the downzone from MU1 to R3.
- Phase 6: Already approved. See those findings of fact and conclusions of law.
- Phase 7: A downzone from MU2 to R3. This does comply with Open Space and density requirements in City Code. Paul Jeppson made the Motion to Recommend Approval of the Zone Change in this phase from MU2 to R3.
- Phase 8: Park: There was concern of enough available parking at the Park. There was concern about people parking on the road. There was discussion that it doesn't appear that the park would be big enough for a State Soccer Championship. It was moved by Paul Jeppson to approve the Zone Change from R3 to Zone O.
- Phase 9: R1 to R2 with Twin Homes planned. There was discussion that based on the density allowed in the current R1 zone that 93 twin homes would be allowed and not 98 as proposed. There were further concerns about the buffering with the R1 zone to the north of Phase 9 in Phase 1. There were additional concerns about the calculation of Open Space in Development Agreement and whether the roads should be included. They believe that Open Space requirement of 10% would be more appropriate according to our Ordinance. They suggested that the City Council has the ability to adjust the 10% Open Space in exchange for a buffer on the north end of more of a smaller Single-Family Home. There was a lot of discussion that the original intent of the Park concept was to fulfill and satisfy the Open Space Requirements of the Code to try to cluster Open Space in one location that the whole development could actually use. The intent of the Park has been brought up by the City Engineer Dick Dyer several times, as he was present when the Development was first presented by Stillman. There was discussion that credit for that Open Space Requirement in Phase 9 would be fulfilled with the Park. There was discussion by the Commission that a lot of public input about Phase 9 did not want this zone change. In response, there was a retort that in a R1 Zone, if there was a Special Use Permit it could have 93 Units without the R2 zone change anyway. With the R2 zone it could go up to 116 units. There were different suggestions regarding how to calculate lot sizes and setbacks for twin homes because Sugar City Code doesn't really have a very specific code. Several solutions were suggested to put in the Development Agreement such as the Developer previously having had agreed that they would be willing to buffer the homes in Phase 1 and have single story twin homes in Phase 9 on the north border, however this won't, and shouldn't, be a requirement. Sam Lines made the Motion to Recommend Approval of this Zone Change from R1 to R2 and Plat with the following conditions; thereafter there would be a mixture of two-story and one-story twin homes throughout the Phase. The twin homes also shall be required to look different from one unit to another and shall be required to go through Design Review and capture the look of the existing R1 to the North. Furthermore the Zone Change shall be capped at 98 units, via the Development Agreement.
- Phase 11: C3 and M1 to R3. There was discussion about straightening out Railroad Ave and getting rid of the curve. There were concerns about having this lose its commercial abilities. There were concerns that this is the current entrance to Sugar City and should remain commercial. There were concerns about density fitting City Code but it's not far off. Sam Lines moved to recommend denial of the proposed zone change for this phase

for the reasons indicated above which will keep it C3. However, regardless of the recommendation to deny the zone change, the product that is proposed would still be allowed as proposed by the developer with a vertical mixed use along that commercial corridor which is already allowed in the C3 Zone. Our City Code would allow Vertical Mixed Use on the ground floor as is being requested. In conclusion the Commission approved the Developer's plan for Phase 1 and is approved with commercial on the ground floor along the corridor and the rest of their buildings would be allowed under the existing Mixed Use Zoning.

- Phase 12: No Change. Left Commercial.
- Phase 13: Phase 12 and 13 are more of a commercial corridor. Since the zoning, through the County south of Phase 13 is currently a Trans-Ag zone, changing this Zoning to commercial might be an issue. This may be zoned Commercial however in the future if there is a particular application that would require Commercial, which the Commission would be willing to relook at this Phase's zoning. There was discussion that leaving it Commercial would also be more in line with the Comprehensive Plan. It was moved by Paul Jeppson to Recommend Denial of the particular Zone Change as indicated herein as Phase 13 would be better residential as it completely surrounded by residential, but the Commission would relook at this if a Commercial project would be submitted to the City.

8. The Applications complied with Sugar City Ordinance Title 9 Chapter 5

9. The Applications were properly noticed according to Idaho Code 67-6509 and 67-6511.

10. The application is not in conflict with the adopted Comprehensive Plan. The proposed Goals of the Comprehensive Plan were considered and are met with this decision:

1. Provide to all its residents and visitors opportunities for full enjoyment of the city (see chapter 2);
2. Balance public interests with interests of property owners (see chapter 3);
3. Promote the quality and accessibility of educational opportunities (see chapter 4);
4. Promote appropriate economic expansion and prosperity (see chapter 5);
5. Provide for judicious use of land and management of growth (see chapter 6);
6. Exercise wise stewardship over natural resources, while preventing hazards and mitigating their effects (see chapter 7);
7. Ensure an effective transportation system (see chapter 8);
8. Provide high-quality public services adapted to neighborhood needs (see chapter 9);
9. Promote wholesome recreation, community activities, and recreational facilities that complement the city's location in the larger region (see chapter 10);
10. Promote housing that provides opportunity for every resident (see chapter 11);
11. Promote preservation and development of special areas and sites to increase public awareness and enjoyment (see chapter 12);
12. Beautify the community in consistent ways (see chapter 13);
13. Establish an area of city impact that provides for expansion and prevents incompatible land use (see chapter 14).

11. The applications would not result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services.

12. The Commission did not indicate any concerns or questions regarding the zone changes.

**CONCLUSIONS OF LAW**  
(Decision)

The Sugar City Planning and Zoning Commission concluded regarding the Zone Change that:

1. The applications and decisions in clause 7 above is not in conflict with the adopted Comprehensive Plan
2. The applications and decisions in clause 7 above would not result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services.
3. The Zone Change applications and decisions in clause 7 above comply with applicable City, State and Federal laws and regulations.

**PLANNING AND ZONING COMMISSION RECOMMENDATIONS**

Concluding all of the above, the Sugar City Planning and Zoning Commission recommend that the City Council approve these Zone Change Applications as outlined in clause 7 above, including all specified conditions. It is also noted that the Comprehensive Plan, the Land Use Schedule, public entity comment, public testimony and comments and expert testimony and comments were considered in the decision.

Signed and dated this \_\_ day of September, 2021

By:

\_\_\_\_\_  
Chairman, Planning and Zoning  
Commission

Attest:

\_\_\_\_\_  
City Deputy Clerk

**Before the City of Sugar City  
Planning and Zoning Commission**

In the Matter of an Application(s)	)	
	)	FINDINGS OF
OLD FARM ESTATES	)	FACT AND CONCLUSIONS
Division No. 4 Plat	)	OF LAW, (REASONING &
LERWILL DEVELOPMENT, LLC,	)	DECISION)
1190 Stocks Ave. Ste. 1,	)	
Rexburg, Idaho 83440	)	
Applicant	)	

**OLD FARM ESTATES DIVISION NO. 4 PLAT APPLICATION**

**FINDINGS OF FACT**

(Reasonings)

Synopsis: Developer is the owner in law or equity, of a certain tract of land in the City of Sugar City, Madison County, Idaho, which land (hereafter referred to as “the Development” or “Old Farm Estates”) is more particularly described in full by the proposed 2021 Development Agreement and the Old Farm Estates Master Plan and Master Zoning Map filed concurrently with these applications. These and associated documents outline associated Phases and Zone Change Applications as drawn and further described in those documents, and which may at some future time be developed or are pertinent herein.

Prior to the date of these applications, litigation arose in 2017 from an Zone Change application filed by the Lerwills to change the zoning of the real property more specifically and commonly known as “Old Farm Estates No. 3,” to MU-1 and MU-2 zoning as recorded in the official records office of Madison County. As a result of this litigation a Settlement was agreed upon by the Developer and the City to approve the Zoning of Old Farm Estates No. 3 to MU-1 and MU-2 zoning. Since that time the City has approved several subdivisions and developments that have been platted within the Development. In order to provide a better plan for the entirety of the Development and in response to the agreed upon elements as a result the Settlement Agreement between the City and the Developer, the Development Agreement and Master Plan were required to be revised.

Zoning changes and relocation of platted areas are necessary to redevelop certain portions of the new Master Plan area which will allow for a centralized park as well as other public improvements. These Zone Changes and Plats are now before Planning and Zoning to comply with the Revised Development Agreement and Master Plan and to provide a better framework and commitment by the Parties.

1. Old Farm Estates Property Fund, LLC, of 940 S. 5<sup>th</sup> W. #12308, Rexburg Idaho, 83440, submitted an Plat Application for Old Farm Estates Division #4. The purpose of this Plat is to

Plat and replat areas of Old Farm Estates to conform to the revised Development Agreement and Master Plan.

The Property is described as:

A PARCEL OF LAND BEING SITUATED IN THE NORTHWEST 1/4 OF SECTION 9 TOWNSHIP 6 NORTH, RANGE 40 EAST OF THE BOISE MERIDIAN AND FOR WHICH IS MORE SPECIFICALLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE WEST QUARTER CORNER SECTION 9, TOWNSHIP 6 NORTH, RANGE 40 EAST OF THE BOISE MERIDIAN, MADISON COUNTY, IDAHO AND RUNNING THENCE N.00°11'21"E. ALONG THE WEST SECTION LINE 1582.97 FEET TO THE EAST RIGHT OF WAY LINE OF S. RAILROAD AVENUE ; THENCE ALONG SAID RIGHT OF WAY N.24°53'59"E. 124.20 FEET; THENCE N.30°08'18"E. 726.52 FEET TO A POINT OF A CURVE WITH A RADIUS OF 540.00 FEET AND A CHORD BEARING N .50°43'52"E. 379.86 FEET; THENCE TO THE RIGHT ALONG SAID CURVE 388.17 FEET THROUGH A CENTRAL ANGLE OF 41°11'09" TO A POINT OF A NON-TANGENT CURVE ON SOUTH RIGHT OF FRONT STREET WITH A RADIUS OF 1976.58 FEET AND A CHORD BEARING N.72°49'09"E. 103.15 FEET; THENCE TO THE RIGHT ALONG SAID CURVE 103.16 FEET THROUGH A CENTRAL ANGLE OF 02°59'26"; THENCE N.89°54'01"E. 305.62 FEET; THENCE S.00°11'34"E. 508.16 TO THE NORTH RIGHT OF WAY LINE OF W 4<sup>TH</sup> S; THENCE ALONG SAID RIGHT OF WAY S.89°53'32"W. 117.00 FEET; THENCE S.00°11'34"E. 861.62 FEET TO THE SOUTH RIGHT OF WAY LINE OF W 5<sup>TH</sup> S; THENCE ALONG SAID RIGHT OF WAY LINE N.89°47'55"E. 884.75 FEET TO THE WEST BOUNDARY LINE OF OLD FARM ESTATES DIVISION NO. 1; THENCE ALONG THE SAID WEST LINE S.00°11'27"E. 129.99 FEET TO THE SOUTH BOUNDARY LINE OF SAID OLD FARM ESTATES DIVISION NO. 1; THENCE ALONG SAID SOUTH BOUNDARY LINE N.89°47'52"E. 748.56 FEET TO THE NORTH-SOUTH CENTER SECTION LINE OF SAID SECTION 9; THENCE ALONG THE SAID CENTER SECTION LINE S.00°11'44"E. 1074.49 FEET TO THE CENTER SECTION CORNER OF SECTION 9; THENCE ALONG THE EAST-WEST CENTER SECTION LINE S.89°25'14"W. 2313.37 FEET TO THE SOUTHEAST CORNER OF INSTRUMENT NUMBER 413962; THENCE ALONG THE EAST LINE OF SAID INSTRUMENT NUMBER N.00°34'46"W. 305.00 FEET; THENCE ALONG THE NORTH BOUNDARY LINE OF SAID INSTRUMENT NUMBER S.89°25'14"W. 285.75 FEET TO THE EAST RIGHT OF WAY LINE OF S. 7<sup>TH</sup> W AVENUE; THENCE ALONG SAID RIGHT OF WAY LINE S.00°11'21"E. 305.01 FEET TO THE EAST-WEST CENTER SECTION LINE OF SECTION 9; THENCE ALONG SAID SECTION LINE S.89°25'14"W. 34.00 FEET TO THE POINT OF BEGINNING.  
CONTAINING 95.113 ACRES

SUBJECT TO: EXISTING COUNTY ROAD RIGHT-OF-WAYS AND EASEMENT OF RECORD.

2. Old Farm Estates Property Fund, LLC/Lerwill Development LLC are the record owners of the property featured in the Application.

3. A public hearing on the application was held on August 25, 2021 at 6:00 p.m. at Sugar City Hall and continued and completed on September 2<sup>nd</sup>, 2021.

4. The application was deemed complete, and that all fees had been paid. All required notices regarding the hearing had been published, mailed and posted in a timely fashion as required by Sugar City Code and Idaho State law. The affidavit of publication and affidavit of mailing and posting were entered in the record and are included with this recommendation. Deputy clerk for the city of Sugar City signed affidavit of the above.

5. City Engineer in his written comments stated:

1. The Preliminary Plat was developed and presented to provide a “reset” in terms of defining the parcels and areas associated with continuing development of the Old Farm Estates Subdivision from here forward. It has been titled “Division No. 4” as previous platting associated with the overall subdivision up to this point went up to Division No. 3.

2. The Preliminary Plat provides an adequate representation of the areas on which further platting and development of the subdivision will occur. In our opinion, there is no need to move this particular preliminary plat forward to a final plat stage since it is anticipated that there will be preliminary and final plats prepared and presented for development of each of the parcels identified in this Preliminary Plat when those Phases of development are ready to move forward. Further, filing a final plat for Division No. 4 will likely only create more confusion in the legal record as it would supersede previous plats and then would immediately be superseded by the individual plats for the various parcels and phases it incorporates.

6. Brandt Monette introduced the Application. In conformance with the newly proposed Master Plan and Zoning Map as well as the Revised Development Agreement a plat is required to plat and re-plat areas of Old Farm Estates to conform to the revised Development Agreement and Master Plan.

7. The Fire Marshall gave approval for the Plan. Developer shall provide hydrants per 2018 IFC Appendix B & C. Based on the final plats, the road widths and turning radius look good.

The School Superintendent commented that “as a school official he takes a neutral stance on this issue generally. However it is important to Note that our older grades are full. Our younger classes, particularly K-6 are smaller in size. I believe that this is a housing issue, more than any other factor. There are no homes for young families in our District. This proposed development appears to me to address this issue directly and is pertinent and prudent to discuss. We have some increased capacity for new students, particularly in the younger grades, with our new school.”

The City Engineer Dick Dyer explained that he didn’t see any concerns with the Development Agreement and Master Plan and his comments were of record as submitted in written form for the hearing.

a. The proposed Master Plan for development follows the concept of trying to centralize and aggregate higher density for efficiency, and incorporates various land uses with appropriate locations and buffering. The location and configuration of the proposed city park is appropriate to the development and consistent with what was visualized and

committed to from the outset. 5th South and Idaho Avenue will be able to go through to provide connectivity to potential adjacent development. Multimodal pathways and green/open space will be provided.

b. Traffic generated under the new Master Plan is essentially the same as previously identified and thus the proposed mitigation of providing turning lanes at the Railroad Avenue/5th South intersection remains appropriate and valid.

c. Equivalent population is higher than previously identified now that proposed development type has been identified for all remaining parcels. We will work with the developer and their engineer on development proposals for the various Phases to assure adequate utility service is provided.

d. The zoning provides for centralization of higher density for efficiency in traffic movements and utility service.

e. Appropriate buffering is being provided between differing adjacent zones and land uses.

f. Recreational (park), open space, and pathway amenities are being provided.

g. The proposed Development Agreement properly incorporates the details of the proposed Master Plan and outlines the necessary protocols for moving forward with the various development proposals.

h. The Special Conditions in the Development Agreement assure proper mitigation of development impacts.

Quinton Owens, P&Z Administrator, said he had questions about the zoning calculations including roads. Historically roads were not included in zoning calculations.

8. An opportunity to give testimony was given for those in favor, neutral and opposed to the applications.

- The testimony of those in favor stated: N/A for the particular application. In other hearings there was general comment that as a result of the previous settlement agreement there exist certain entitlements that this development would revert to. These entitlements and will not be a well-planned development but rather just be four-plexes and apartments which is not good for the residents, developers, or the public. This new plan has been painfully tried to make this Development as well as could possibly be done.
- The neutral testimony stated: There was explanation by City Staff that our Code does not allow for the lot lines of a Twin home. In negotiation with the Developer it was described that instead of giving them a R3 for Phase 9 it was decided that an R2 zoning would be preferable for both the City and the Developer with an allowable reduction of the lot lines to facilitate a twin home neighborhood. In other hearings it was commented that generally, there was testimony that the new plan was substantially better than the previous entitlements and several comments said they were encouraged by what they had heard from the Developers but there were several things they would have liked to see. There was concern for people that live along Phase 6 who don't live in the City and along Phase 1.

- Those in opposition stated: There was general opinions about Sugar City becoming too much like Rexburg. It has increased traffic. There were concerns voiced that this will raise taxes. In other hearings there was testimony that there was general concern about the impacts that would have on the City's infrastructure, water, sewer, and schools. There was general concern about having Phase 9 have so many townhomes when it was originally planned as single family homes on bigger lots. General concerns about changing the small town feel and the line in the Comprehensive Plan won't be "predominantly single-family homes". General concerns were indicated that this will change the settlement agreement. There was a request that the City follow Title 8 of the code for the Developments. There were general concerns about open space in Phase 9. There were general concerns about class room sizes. There were general concerns about keeping Sugar City a small town. Parks need to have more than just fields, including things for the small children.
- Response by Developer – The intermodal pathway will help solve issues with traffic and people walking on the street in a safe manner. In other hearings, the School Superintendent would be the proper individual to comment on the ability for the school to handle the growth by this Development. The schools do need to grow and the Superintendent says the schools can accommodate the demographic that will occur from this development directly. Clustering the apartments on the western side will provide an important layer of density to areas that will have the least amount of impact for the other developments in the Master Plan. Tonight isn't about Density, but rather which Plan will be taken. The proposed Plan tonight or the Plan that is entitled. The open space calculations are based on the ambiguity in the code but it has tried to make the open space usable, walkable, and connected. The alternative is to shove the open space into a corner of the individual developments and make it a "barracks" kind of development which does no one any good. The Developer will and already had to pay for the infrastructure required for this development.

9. Deliberation: There were concerns about single family homes and the Comprehensive Plan but these matters have been discussed in length and the Commission determined that single family homes is vague in our code. There were concerns expressed about the setbacks and lot lines. There were concerns about HOA but it was discussed the HOA for the town homes will have the same HOA covenants as the single family homes. It was discussed that the twin homes are allowed in a R2 zone. It was noted that they could have put these twin homes in by special use permit rather than a zone change. There were concerns about buffering in this zone. People who bought properties in R1 thought this area would be also R1. So additional buffering may be appropriate in those areas. There were concerns expressed by the Commission about transition areas between zones. City Code 10-4-5. Commissioners questioned whether open space vs. density calculations included roads. See 10-4-7(1). City Code 9-2-2 explicitly states that the roads are not included in the open space. For this Development roads were not included to calculate open space. The Commission recommends fixing any typos in the Development Agreement before signing. In discussion about when the Park should be built the Commission talked about using units built rather than phases under the original Development Agreement which is encapsulated in the proposed draft Development Agreement currently under review.

Concerning individual zone changes the following concerns were expressed;

- Phase 5: A downzone from MU1 to R3. Reducing this would change the commercial requirement and reduce the open space requirements. Considering the Park, the open space there would mitigate the reduction of open space requirements in this Phase. In

addition, a special use permit would not be required. Tyler Hoopes made the Motion to Recommend Approval of the downzone from MU1 to R3.

- Phase 6: Already approved. See those findings of fact and conclusions of law.
- Phase 7: This does comply with open space and density requirements. Paul Jeppson made the Motion to Recommend Approval of the Zone Change in this phase from MU2 to R3.
- Phase 8: Park: There was concern of enough available parking at the Park. There was concern about people parking on the road. Nor would it be big enough for a State Championship. It was moved by Paul Jeppson to approve the Zone Change from R3 to Zone O.
- Phase 9: R1 to R2 with twin homes planned. There was concern that based on the density allowed in that zone, 93 twin homes would be allowed and not 98 as proposed. There were concerns about the buffering. There were additional concerns about the calculation of Open Space in the Development Agreement and whether private roads should be included. They believe that 10% Open Space would be more appropriate according to our ordinance. They suggested that the City Council has the ability to adjust the 10% Open Space in exchange for a buffer on the north end of more of a smaller Single Family Home. Discussion was had that the original intent of the Park concept was to fulfill and satisfy the Open Space Requirements of the Code. Credit for that Open Space Requirement in this Phase would be fulfilled with the Park. There was discussion by the Commission that a lot of public input about Phase 9 did not allow this zone change. In response, there was a retort that in a R1 Zone if there was a Special Use Permit it could have 93 Units. With the R2 zone it could go up to 116 units. There were different suggestions regarding how to calculate lot sizes and setbacks for twin homes because Sugar City Code doesn't really have a very specific code. One solution to put in the Development Agreement, would be to buffer the homes in Phase 1 and have single story twin homes in Phase 9 on the north border, however this won't be a requirement. Sam Lines made the Motion to Recommend Approval of this Zone Change from R1 to R2 and Plat with the following conditions; thereafter there would be a mixture of two-story and one-story twin homes throughout the Phase. The twin homes would look different from one unit to another and shall be required to go through Design Review and capture the look of the existing R1 to the north and shall be capped at 98 units, as per the Development Agreement.
- Phase 11: There was discussion about straightening out Railroad Ave and getting rid of the curve. There were concerns about having this lose its commercial abilities. There were concerns that this is the current entrance to Sugar City and should remain commercial. There were concerns about density fitting City Code but it's not far off. Sam Lines moved to recommend denial of the zone change for this phase for the reasons indicated which will keep it C3. However the product that is proposed would still be allowed with a vertical mixed use along that commercial corridor which is allowed in the C3 Zone. Our City Code would allow Vertical Mixed use on the ground floor as is being requested. In conclusion their plan is approved with commercial on the ground floor along the corridor and the rest of their buildings would be allowed under the existing Mixed Use Zoning.
- Phase 12: No Change. Left Commercial.
- Phase 13: Phase 12 and 13 are more of a commercial corridor. Since Trans-Ag zoning through the County south of Phase 13 changing this to commercial might be an issue. This may be zoned Commercial if there is a particular application that would require Commercial. It would also be more in line with the Comprehensive Plan. It was moved

by Paul Jeppson to recommend denial of the particular Zone Change as indicated herein that it would be better residential as it completely surrounded by residential but the Commission would relook at this if a Commercial project would be submitted to the City.

10. The Applications complied with Sugar City Ordinance(s) Title 8, Chapter 4; Title 9, Chapter 6; and Title 10 and Idaho Code Title 50 Chapter 13.

11. The Applications were properly noticed according to Idaho Code 67-6509 and 67-6512.

**CONCLUSIONS OF LAW**  
(Decision)

**PRELIMINARY PLAT**

Sam Lines Motioned to Recommend Approval of the Division 4 Preliminary Plat with the conditions hereafter. The Sugar City Planning and Zoning Commission concluded the Preliminary and Final Plat Application meet Sugar City Ordinance(s) Title 8, Chapter 4; Title 9, Chapter 6; and Title 10 and Idaho Code Title 50 Chapter 13.

Conditions:

1. That turning lanes will be required on all legs of Railroad Avenue and 5<sup>th</sup> South.
2. Huckleberry lane will be a private road and will be blocked off on the southern end.
3. This will need to conform to the Alternate Transportation Plan.

**PLANNING AND ZONING COMMISSION RECOMMENDATIONS**

Including all of the above, the Sugar City Planning and Zoning Commission recommend that the City Council approve the Plat.

Signed and Dated this \_\_\_\_ day of September, 2021.

By: \_\_\_\_\_  
Chairman, Planning and Zoning  
Commission

Attest:

\_\_\_\_\_  
City Clerk-Treasurer